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13 *Counsel for Plaintiff*

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA

16  
17 ROBERT COHEN, individually and on  
18 behalf of all others similarly situated,

19 Plaintiff,

20 v.

21 FOOTHILL/EASTERN  
TRANSPORTATION CORRIDOR  
22 AGENCY; SAN JOAQUIN HILLS  
TRANSPORTATION CORRIDOR  
23 AGENCY; 3M COMPANY and BRIC-  
TPS LLC,

24 Defendant.

) Case No: SACV 15-01698 DDP  
) (DFMx)  
)  
) **PLAINTIFF'S NOTICE OF**  
) **MOTION AND MOTION FOR (1)**  
) **CONDITIONALLY CERTIFYING**  
) **A SETTLEMENT CLASS, (2)**  
) **PRELIMINARILY APPROVING**  
) **CLASS ACTION SETTLEMENT,**  
) **(3) APPROVING NOTICE PLAN,**  
) **AND (4) SETTING FINAL**  
) **APPROVAL HEARING;**  
) **MEMORANDUM OF POINTS**  
) **AND AUTHORITIES IN**  
) **SUPPORT**  
)  
) Date: October 16, 2017  
) Time: 10:00 a.m.  
) Courtroom: 3  
)  
) **Judge: Hon. Dean D. Pregerson**  
)

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE THAT** on October 16, 2017, at 10:00 a.m. before the Honorable Dean D. Pregerson, United States District Court Judge for the Central District of California, Plaintiff, by and through his undersigned counsel of record, will move, pursuant to Fed. R. Civ. P. 23(e), for the Court to: (i) grant preliminary approval of the proposed Stipulation and Agreement of Settlement and Release (“Settlement Agreement”),<sup>1</sup> (ii) provisionally certify the Settlement Class for the purposes of preliminary approval, designate Plaintiff as the Class Representative, and appoint Andersen Sleater Sianni LLC, Westerman Law Corp. and Aitken Aitken Cohn as counsel for the Settlement Class, (iii) establish procedures for giving notice to members of the Settlement Class, (iv) approve forms of notice to Settlement Class Members, (v) mandate procedures and deadlines for exclusion requests and objections, and (vi) set a date, time, and place for a final approval hearing.

This motion is made on the grounds that preliminary approval of the proposed class action settlement is proper, given that each requirement of Rule 23(e) has been met.

This motion is based on the attached Memorandum of Points and Authorities, the accompanying Declarations of Jessica J. Sleater and exhibits thereto, including the Settlement Agreement, the pleadings and papers on file herein, and any other written and oral arguments that may be presented to the Court.

**CIVIL RULE 7-4(a)(3) STATEMENT OF ISSUE TO BE DECIDED**

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<sup>1</sup> All capitalized terms herein that are not otherwise defined have the definitions set forth in the Settlement Agreement, filed concurrently herewith. *See* Sleater Decl. Ex. 1.

Whether the Court should preliminarily approve the proposed class action settlement pursuant to Fed. R. Civ. P. 23(e).

Dated: September 15, 2017      WESTERMAN LAW CORP.  
JEFF S. WESTERMAN

By: /s/ Jeff S. Westerman  
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